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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PATRICK HICKMAN,

Plaintiff,

vs.

KENNETH MEAD, in his individual and
official capacities,

&

JESSICA WALSH, in her official capacity,

Defendants.

Case No. 2:18:cv-00404-GMN-NJK

**NON-PARTY WELLS FARGO BANK,
N.A.'S MOTION TO EXTEND
DEADLINE TO RESPOND TO
PLAINTIFF'S MOTION TO COMPEL
[ECF NO. 46]**

[FIRST REQUEST]

Non-Party Wells Fargo Bank, N.A. ("Wells Fargo"), by and through its attorneys of record, Snell & Wilmer LLP, and pursuant to Local Rule IA 6-1, hereby moves this Court for a thirty (30) day extension to meet and confer with Plaintiff Patrick Hickman ("Plaintiff"), and if necessary, respond to Plaintiff's Motion to Compel ("Motion") [ECF No. 46]. This is Wells Fargo's first request for an extension to respond to the Motion. And for the reasons more fully articulated herein, this motion is made in good-faith and not for purpose of delay.

MEMORANDUM OF POINTS AND AUTHORITIES

Wells Fargo is a non-party to this action. The Court docket indicates that Plaintiff initiated this action against defendant Kenneth Mead ("Defendant") on March 6, 2018, by filing a Complaint. [ECF No. 1]. In or around September 2018, Defendant issued a subpoena to Wells Fargo seeking the production of certain business records. Wells Fargo responded to that subpoena

1 by producing documents to Defendant on or about September 25, 2018. Wells Fargo was never
2 served with notice of Plaintiff's Motion to Quash that subpoena. The Court subsequently quashed
3 Defendant's subpoena after Wells Fargo responded. [ECF No. 41].

4 On October 10, 2018, Plaintiff served Wells Fargo with a Subpoena seeking similar
5 records to those Wells Fargo already produced. Wells Fargo mistakenly believed that it was
6 served with a duplicate of Defendant's subpoena, to which Wells Fargo had already responded,
7 and therefore, did not respond. Plaintiff subsequently filed his Motion, demanding that Wells
8 Fargo respond to Plaintiff's subpoena. On or about December 3, 2018, Wells Fargo retained the
9 undersigned counsel to respond to Plaintiff's Motion.

10 Undersigned counsel has attempted to contact Plaintiff to discuss his subpoena and
11 Motion, as well as a potential response to the same, but has been unable to contact Plaintiff.
12 Contact was made more difficult by the fact Plaintiff does not appear to provide either a phone
13 number or email address on the Complaint or Motion, in violation of LR IA 10-2. Wells Fargo
14 has sent a letter via U.S. Mail and has also attempted to contact Plaintiff by telephone at numbers
15 located through internet research. Wells Fargo anticipates that after having an opportunity to
16 discuss the subpoena with Plaintiff, Wells Fargo will be able to respond and/or substantially limit
17 the issues before the Court. Moreover, undersigned counsel has only been recently retained and
18 requires additional time to review this matter and prepare the appropriate response to the Motion,
19 if necessary.

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1 Accordingly, Wells Fargo requests thirty days to attempt to contact Plaintiff and engage in
2 the meet and confer process to resolve these issues without Court intervention. If Wells Fargo is
3 unable to resolve these issues without Court intervention, it will file its response to Plaintiff's
4 Motion.

5 Dated: December 12, 2018.

6 SNELL & WILMER L.L.P.

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8 By: /s/ Kelly H. Dove

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13 Attorneys for Non-Party Wells Fargo Bank, N.A.

14 IT IS SO ORDERED.

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16 
NANCY J. KOPPE
United States Magistrate Judge

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18 Date: December 13, 2018